

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

<b>PETER A. SPALLUTO</b>	)	
<b>and ACCESS WITH SUCCESS, INC.,</b>	)	
<b>Plaintiffs</b>	)	<b>CIVIL ACTION NO.: 05-cv-10385EFH</b>
	)	
<b>v.</b>	)	
	)	
<b>HDP, INC.,</b>	)	
<b>Defendant</b>	)	
	)	

**PLAINTIFFS' MOTION TO PRECLUDE DEFENDANT  
FROM OFFERING EXPERT TESTIMONY AT TRIAL**

The plaintiffs, Peter A. Spalluto and Access with Success, Inc., respectfully move for an order precluding the defendant, HDP, Inc., from offering any expert testimony at trial on grounds that the defendant has failed to make the disclosure of expert testimony as required by Rule 26(a)(2). In support of their motion, the plaintiffs rely upon the facts and authorities set forth in their accompanying memorandum of reasons.

WHEREFORE, the plaintiffs pray that their motion will be granted.

Respectfully submitted, The Plaintiffs,  
Peter A. Spalluto and Access With Success,  
Inc.

By their Attorneys,

/s/Nicholas S. Guerrero  
Nicholas S. Guerrero, BBO#551475  
Shaheen, Guerrero & O'Leary, LLC  
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**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)**

I, Nicholas S. Guerrero, counsel for the plaintiffs, hereby certify that I discussed the above motion with Brian J. McMenimen, Esq., counsel for the HDP, Inc. by telephone in a good faith effort to resolve or narrow the issues presented by the motion, but that counsel were unable to resolve the issues prior to the filing of the motion.

Dated: April 4, 2007

/s/Nicholas S. Guerrero

Nicholas S. Guerrero

**CERTIFICATE OF SERVICE**

I, Nicholas S. Guerrero, hereby certify that the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent, via First-Class Mail, to those indicated as non-registered participants, on this 4th day of April 2007.

Dated: April 4, 2007

/s/Nicholas S. Guerrero

Nicholas S. Guerrero